PART II.

CONSTITUTION AND POWERS OF CRIMINAL COURTS AND OFFICES.

CHAPTER II.

OF THE CONSTITUTION OF CRIMINAL COURTS AND OFFICES.

A.—Classes of Criminal Courts.

Classes of Criminal Courts.

6. Besides the High Courts and the Courts constituted under any law other than this Code for the time being in force, there shall be five classes of Criminal Courts in India, namely :—

I. Courts of Session :
II. Presidency Magistrates :
III. Magistrates of the first class :
IV. Magistrates of the second class :
V. Magistrates of the third class.

Classes of Criminal Courts.

[1][**6.** *Besides the High Court and the Courts constituted under any law other than this Code for the time being in force, there shall be two classes of Criminal Courts in the State of Bombay, namely :—*

I. *Courts of Session.*
II. *Courts of Magistrates.*]

[2][*A-1.—Classes of Magistrates.*

Classes of Magistrates.

6-A. *There shall be the following classes of Magistrates, namely :—*

I. Judicial Magistrates.

(1) Presidency Magistrates.
(2) Magistrates of the first class.
(3) Magistrates of the second class.
(4) Magistrates of the third class.
(5) Special Judicial Magistrates.

II. Executive Magistrates.

(1) District Magistrates.
(2) Sub-Divisional Magistrates.
(3) Taluka Magistrates.
(4) Presidency Magistrates specially empowered by the State Government.
(5) Special Executive Magistrates.]

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[1] Substituted by Bom. 23 of 1951, s. 2 and Schedule Part I, for the original s. 6.
[2] This heading and s. 6A were inserted, *ibid.*

Sessions divisions and districts.

7. (*1*) Every State (excluding the presidency-towns) shall be a sessions division, or shall consist of sessions divisions ; and every sessions division shall, for the purposes of this Code, be a district, or consist of districts.

Power to alter divisions and districts.

(*2*) The State Governments may alter the limits or the number of such divisions and districts.

Existing divisions and districts maintained till altered.

(*3*) The sessions divisions and districts existing when this Code comes into force shall be sessions divisions and districts respectively, unless and until they are so altered.

Presidency-towns to be deemed districts.

(*4*) Every presidency-town shall, for the purposes of this Code, be deemed to be a district.

Power to divide districts into Sub-divisions.

8. (*1*) The State Government may divide any district outside the presidency-towns into sub-divisions, or make any portion of any such district a sub-division and may alter the limits of any sub-division.

Existing sub-divisions maintained.

(*2*) All existing sub-divisions which are now usually put under the charge of a Magistrate shall be deemed to have been made under this Code.

C.—Courts and Offices outside the presidency-towns.

Court of Session.

9. (*1*) The State Government shall establish a Court of Session for every sessions division, and appoint a judge of such Court.

Sessions divisions and districts.

[1][**7.** (*1*) *The State of Bombay shall consist of Sessions divisions ; and every sessions division shall, for the purposes of this Code, be a district or consist of districts.*

(*2*) *For the purposes of this Code, Greater Bombay shall be a sessions division and be deemed to be a district.*

(*3*) *The State Government may alter the limits or the number of such divisions and districts.*

(*4*) *The sessions divisions and districts existing when the Bombay Separation of Judicial and Executive Functions Act, 1951, comes into force shall be sessions divisions and districts respectively, unless and until they are so altered.* Bom. XXIII of 1951.

Power to divide districts into Sub-divisions.

8. (*1*) The [2][[3][State] Government] may divide any district [4][*outside Greater Bombay*] into sub-divisions, or make any portion of any such district a sub-division and may alter the limits of any sub-division.

[5][*C.—Court of Session for Greater Bombay and Courts and Offices outside Greater Bombay.*]

Court of session.

9. (*1*) The [2][[3][State] Government] shall establish a Court of Session for every sessions division and [6][*in consultation with the High Court*] appoint a judge of such Court:

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[1] Substituted by Bom. 23 of 1951, s. 2 and Sch. Pt. I, for the original s. 7.
[2] Substituted by the A. O. 1937 for "L. G.".
[3] Substituted by the A. O. 1950 for "Provincial".
[4] Substituted by Bom. 23 of 1951, s. 2 and Schedule Part I, for "outside the presidency-towns."
[5] Substituted by Bom. 32 of 1948, s. 3, for the original heading "C.—Courts and Offices outside the Presidency-towns".
[6] Inserted by Bom. 23 of 1951, s. 2 and Schedule Part I.

[1][(2) The State Government may, by general or special order in the Official Gazette, direct at what place or places the Court of Session shall ordinarily hold its sitting; but if, in any particular case, the Court of Session is of opinion that it will tend to the general convenience of the parties and witnesses to hold its sitting at any other place in the sessions division, it may, with the consent of the prosecution and the accused, sit at that place for the disposal of the case or the examination of any witness or witnesses therein.]

(3) The State Government may also appoint Additional Sessions Judges and Assistant Sessions Judges to exercise jurisdiction in one or more such Courts.

(3) The [2][[3][State] Government] may also [4][*in consultation with the High Court*] appoint Additional Sessions Judges and Assistant Sessions Judges to exercise jurisdiction in one or more such Courts.

(4) A Sessions Judge of one sessions division may be appointed by the State Government to be also an Additional Sessions Judge of another division, and in such case he may sit for the disposal of cases at such place or places in either division as the State Government may direct.

(4) A Sessions Judge of one sessions division may [4][*in consultation with the High Court*] be appointed by the [2][[3][State] Government] to be also an Additional Sessions Judge of another division, and in such case he may sit for the disposal of cases at such place or places in either division as the [2][[3][State] Government] may direct.

(5) All Courts of Sessions existing when this Code comes into force shall be deemed to have been established under this Act.

10. (1) In every district outside the presidency-towns the State Government shall appoint a Magistrate of the first class, who shall be called the District Magistrate. **District Magistrate.**

(2) The State Government may appoint any Magistrate of the first class to be an Additional District Magistrate and such Additional District Magistrate shall have all or any of the powers of a District Magistrate under this Code or under

10. (1) In every district [5][*outside Greater Bombay*] the [2][[3][State] Government] shall appoint a [6] * * * District Magistrate. **District Magistrate.**

(2) The [2][[3][State] Government] may appoint [7] * * * * [8][one or more Additional District Magistrates] [9] * * * * * and [10][an Additional District Magistrate] shall have all or any of the powers o a District Magistrate under this

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[1] Substituted by Act 26 of 1955, s. 3, for the original sub-section (2).
[2] Substituted by the A. O. 1937 for "L. G."
[3] Substituted by the A. O. 1950 for "Provincial".
[4] Inserted by Bom. 23 of 1951, s. 2 and Schedule Part I.
[5] Substituted, *ibid*, for "outside the Presidency towns".
[6] The words "Magistrate of the first class, who shall be called the" were deleted, *ibid*.
[7] The words "any Magistrate of the first class to be" were deleted, *ibid*.
[8] Substituted by Bom. 8 of 1954, s. 2 and Schedule Part I, for "an additional District Magistrate".
[9] The words "for a period not exceeding six months" were repealed by Act 18 of 1923, s. 2.
[10] Substituted by Bom. 8 of 1954, s. 2 and Schedule Part I, for "such Additional District Magistrate."

any other law for the time being in force, as the State Government may direct.

Code [1][or under any other law for the time being in force,] as the [2][[3][State] Government] may direct.

[4][(2A) For the purposes of sub-section (3) of section 528, such Additional District Magistrate shall be deemed to be subordinate to the District Magistrate].

(3) For the purposes of sections 192, sub-section (1), 407, sub-section (2) and 528, sub-sections (2) and (3), such Additional District Magistrate shall be deemed to be subordinate to the District Magistrate.

[5][(3) For the purposes of sub-section (3) of section 192, section 406B and sub-section (3A) of section 528, an Additional District Magistrate shall be deemed to be subordinate to the District Magistrate.]

Officers temporarily succeeding to vacancies in office of District Magistrate.

11. Whenever in consequence of the office of a District Magistrate becoming vacant, any officer succeeds temporarily to the chief executive administration of the district, such officer shall, pending the orders of the [2][[3][State] Government], exercise all the powers and perform all the duties respectively conferred and imposed by this Code on the District Magistrate.

Subordinate Magistrates.

12. (1) The State Government may appoint as many persons as it thinks fit, besides the District Magistrate, to be Magistrates of the first, second or third class in any district outside the presidency-towns; and the State Government or the District Magistrate, subject to the control of the State Government, may, from time to time, define local areas within which such persons may exercise all or any of the powers with which they may respectively be invested under this Code.

[6][*Judicial Magistrates.*]

12. (1) The [2][[3][State] [Government] may appoint as many persons as it thinks fit [7] * * * * * to be Magistrates of the first, second or third class in any district [8][*outside Greater Bombay*] and [9] * * * [10][*the* Sessions *Judge, subject to the control of the High Court, may, from time to time*] define local areas within which such persons may exercise all or any of the powers with which they may respectively be invested under this Code.

[11][(1-A) *The power of appointment of Magistrates under sub-section (1) shall, on the issue of public notification under article 237 of the Constitution, be exercised subject to the terms of the said notification.*]

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[1] Inserted by Act 18 of 1923, s. 2.
[2] Substituted by the A. O. 1937 for "L. G.".
[3] Substituted by the A. O. 1950 for "Provincial".
[4] Sub-section (2A) was inserted by Bom. 21 of 1954, s. 3 and Second Schedule.
[5] Sub-section (3) was inserted by Bom. 8 of 1954, s. 2 and Schedule Part I.
[6] Substituted, *ibid*, for the original marginal note.
[7] The words "besides the District Magistrate" were deleted, *ibid*.
[8] Substituted, *ibid*, for "outside the Presidency-towns."
[9] The words "the State Government or the District Magistrate, subject to the control of the State Government" were deleted, *ibid*.
[10] Substituted by Bom. 34 of 1953, s. 2, for "may, from time to time".
[11] Sub-section (1-A) was inserted by Bom. 23 of 1951, s, 2. and Schedule Part. I.

(*2*) Except as otherwise provided by such definition, the jurisdiction and powers of such persons shall extend throughout such district. Local limits of their jurisdiction.

13. (*1*) The State Government may place any Magistrate of the first or second class in charge of a sub-division and relieve him of the charge as occasion requires. Power to put Magistrate in charge of sub-division.

(*2*) Such Magistrates shall be called Sub-divisional Magistrates.

(*3*) The State Government may delegate its powers under this section to the District Magistrate. Delegation of powers to District Magistrate.

14. (*1*) The State Government may confer upon any person who holds or has held any judicial post under the Union or a State or possesses such other qualifications as may, in consultation with the High Court, be specified in this behalf by the State Government by notification in the *Official Gazette* all or any of the powers conferred or conferrable by or under this Code on a Magistrate of the first, second, or third class in respect to particular cases or to a particular class or particular classes of cases, or in regard to cases generally, in any local area outside the presidency-towns. Special Magistrates.

(*2*) Such Magistrates shall be called Special Magistrates, and shall be appointed for such term as the State Government may by general or special order direct.

[1][**13.** (*1*) *The State Government may appoint as many persons as it thinks fit to be Sub-Divisional Magistrates and Taluka Magistrates in any district outside Greater Bombay.* *Appointment of Sub-Divisional Magistrates and Taluka Magistrates and their jurisdiction.*

(*2*) *The State Government or, subject to the control of the State Government, the District Magistrate, may place,—*

(*i*) [2][*one or more Sub-Divisional Magistrates*] *in charge of a sub-division, and*

(*ii*) [3][*one or more Taluka Magistrates*] *in charge of a taluka or mahal.*]

[4][**14.** (*1*) *The State Government may, in consultation with the High Court, confer upon any person who holds or has held any judicial post under the Union or a State, or possesses such other qualifications as may, in consultation with the High Court, be specified in this behalf by the State Government by notification in the* Official Gazette *all or any of the powers conferred or conferrable by or under this Code on a Judicial Magistrate in respect to particular cases or to a particular class or classes of cases, or in regard to cases generally in any local area. Such Magistrates shall be called Special Judicial Magistrates and shall be appointed for such term as the State Government may, in consultation with the High Court, by general or special order, direct.* *Special Magistrates.*

(*2*) *The State Government may also appoint Executive Magistrates for particular areas or for the performance of particular functions and confer upon them such powers as it deems fit. Such Magistrates shall be called Special Executive*

[1] Substituted by Bom. 34 of 1953, s. 3, for the original s. 13.
[2] Substituted by Bom. 8 of 1954, s. 2 and Schedule Part I, for "any Sub-Divisional Magistrate".
[3] Substituted, *ibid*, for "any Taluka Magistrate".
[4] Substituted by Bom. 39 of 1955, s. 2, for the original s. 14.

(*3*) The State Government may delegate, with such limitations as it thinks fit, to any officer under its control, the powers conferred by sub-section (*1*).

(*4*) No powers shall be conferred under this section on any police officer below the grade of Assistant District Superintendent, and no powers shall be conferred on a police officer except so far as may be necessary for preserving the peace, preventing crime, and detecting, apprehending, and detaining offenders in order to their being brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

Magistrates and shall be appointed for such term as the State Government may, by general or special order, direct:

Provided that no powers shall be conferred under this sub-section on any police officer below the grade of Assitant Superintendent and no power shall be conferred on a police officer except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

(3) The State Government may delegate, with such limitations as it may think fit, to any other officer under its control the powers conferred by sub-section (2).]

Benches of Magistrates.

15. (*1*) The State Government may direct any two or more Magistrates in any place outside the presidency-towns to sit together as a Bench, and may by order invest such Bench with any of the powers conferred or conferrable by or under this Code on a Magistrate of the first, second or third class, and direct it to exercise such powers in such cases, or, such classes of cases only, and within such local limits as the State Government thinks fit.

Benches of Magistrates.

15. (*1*) [1][*The State Government may, in consultation with the High Court, direct any two or more Judicial Magistrates in any place outside Greater Bombay*] to sit together as a Bench, and may by order invest such Bench with any of the powers conferred or conferrable by or under this Code on a Magistrate of the first, second or third class, and direct it to exercise such powers in such cases, or, such classes of cases only, and within such local limits as the [2][[3][State] Government] thinks fit.

Powers exercisable by Bench in absence of special direction.

(*2*) Except as otherwise provided by any order under this section, every such Bench shall have the powers conferred by this Code on a Magistrate of the highest class to which any one of its members, who is present taking part in the proceedings as a member of the Bench, belongs, and as far as practicable shall, for the purposes of this Code, be deemed to be a Magistrate of such class.

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[1] Substituted by Bom. 23 of 1951, s. 2 and Schedule Part I, for "The State Government may direct any two or more Magistrates in any place outside the presidency-towns".

[2] Substituted by the A. O. 1937 for "L.G."

[3] Substituted by the A. O. 1950 for "Provincial".

Power to frame rules for guidance of Benches.

16. The State Government may, or, subject to the control of the State Government, the District Magistrate may, from time to time, make rules consistent with this Code for the guidance of Magistrates' Benches in any district respecting the following subjects :—

(*a*) the classes of cases to be tried ;

(*b*) the times and places of sitting ;

(*c*) the constitution of the Bench for conducting trials ;

(*d*) the mode of settling differences of opinion which may arise between the Magistrates in session.

Subordination of Magistrates and Benches to District Magistrate ;

17. (*1*) All Magistrates appointed under sections 12, 13 and 14 and all Benches constituted under section 15, shall be subordinate to the District Magistrate and he may, from time to time, make rules or give special orders consistent with this Code as to the distribution of business among such Magistrates and Benches ; and

to Sub-divisional Magistrate.

(*2*) Every Magistrate (other than a Sub-divisional Magistrate) and every Bench exercising powers in a sub-division shall also be subordinate to the Sub-divisional Magistrate, subject, however, to the general control of the District Magistrate.

Power to frame rules for guidance of Benches.

16. [1][*The High Court, subject to the sanction of the State Government*] may, from time to time, make rules consistent with this Code for the guidance of Magistrates' Benches in any district respecting the following subjects :—

(*a*) the classes of cases to be tried ;

(*b*) the times and places of sitting ;

(*c*) the constitution of the Bench for conducting trials ;

(*d*) the mode of settling differences of opinion which may arise between the Magistrates in session.

Subordination of [6][*Judicial Magistrates*] and Benches to [4][*Sessions Judge*].

17. (*1*) [2][*All Judicial Magistrates*] appointed under sections 12, [3]*and 14, and all Benches constituted under section 15, shall be subordinate to the [4][*Sessions Judge*] and he may, from time to time, make rules or give special orders consistent with this Code as to the distribution of business among such Magistrates and Benches ; [5]*

[7]* * * * * *

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[1] Substituted by Bom. 23 of 1951, s. 2 and Schedule Part I, for "The State Government may, or, subject to the control of the State Government, the District Magistrate ".

[2] Substituted, *ibid*, or "All Magistrates ".

[3] The figures "13 " were deleted, *ibid*.

[4] Substituted, *ibid*, for "District Magistrate ".

[5] The word "and " was deleted, *ibid*.

[6] Substituted, *ibid*, for "Magistrates ".

[7] Sub-section (*2*) was deleted, *ibid*.

Subordination of Assistant Sessions Judges to Sessions Judge.

(*3*) All Assistant Sessions Judges shall be subordinate to the Sessions Judge in whose Court they exercise jurisdiction, and he may, from time to time, make rules consistent with this Code as to the distribution of business among such Assistant Sessions Judges.

(*4*) The Sessions Judge may also, when he himself is unavoidably absent or incapable of acting, make provision for the disposal of any urgent application by an Additional or Assistant Sessions Judge or, if there be no Additional or Assistant Judge, by the District Magistrate, and such Judge or Magistrate shall have jurisdiction to deal with any such application.

(*4*) The Sessions Judge may also, when he himself is unavoidably absent or incapable of acting, make provision for the disposal of any urgent application by an Additional or Assistant Sessions Judge or, if there be no Additional or Assistant Judge, [1][by a Civil Judge (Senior Division), or if there be no Civil Judge (Senior Division), by the Sessions Judge or Additional or Assistant Sessions Judge of an adjoining Sessions Division, and such Judge] shall have jurisdiction to deal with any such application.

(*5*) Neither the District Magistrate nor the Magistrates or Benches appointed or constituted under sections 12, 13, 14 and 15 shall be subordinate to the Sessions Judge except to the extent and in the manner hereinafter expressly provided.

[2]* * * * * * *

Subordination of Executive Magistrates.

[3][**17A.** *Subordination of Executive Magistrates.*—(*1*) All Executive Magistrates appointed under section 13 or 14 shall be subordinate to the District Magistrate; and every Taluka Magistrate shall also be subordinate to the Sub-Divisional Magistrate, subject, however, to the general control of the District Magistrate.

(*2*) The District Magistrate may, from time to time, make rules or give special orders consistent with this Code as to the distribution of business among the magistrates subordinate to him and as to allocation of business to an Additional District Magistrate].

[1] Substituted by Bom. 71 of 1954, s. 2, for "by the District Magistrate and such Judge or Magistrate".

[2] Sub-section (*5*) was deleted by Bom. 23 of 1951, s. 2 and Schedule Part I.

[3] Substituted by Bom. 8 of 1954, s. 2 and Schedule Part I, for the original.

[1][17B. *Courts of Session and Courts of Magistrates (including Courts of Presidency Magistrates) shall be Criminal Courts inferior to the High Court and Courts of Magistrates outside Greater Bombay shall be Criminal Courts inferior to the Court of Session.*] *Inferior Criminal Courts.*

D.—Courts of Presidency Magistrates.

18. (*1*) The [2][[3][State] Government] shall, from time to time, appoint a sufficient number of persons (hereinafter called Presidency Magistrates) to be Magistrates for each of the presidency-towns, and shall appoint one of such persons to be Chief Presidency Magistrate for each such town. **Appointment of Presidency Magistrates.**

(*2*) The powers of a Presidency Magistrate under this Code shall be exercised by the Chief Presidency Magistrate, or by a salaried Presidency Magistrate, or by any other Presidency Magistrate empowered by the [2][[3][State] Government] to sit singly, or by any Bench of Presidency Magistrates.

[4][(*3*) A Presidency Magistrate may be appointed under this section for such term as the [2][[3][State] Government] may, by general or special order, direct.

(*4*) The [2][[3][State] Government] may appoint any person to be an Additional Chief Presidency Magistrate and such Additional Chief Presidency Magistrate shall have all or any of the powers of a Chief Presidency Magistrate under this Code or under any other law for the time being in force, as the [2][[3][State] Government] may direct.]

[5][(*5*) *The power of appointment of the Chief Presidency Magistrate and the Additional Chief Presidency Magistrate shall be exercised in consultation with the High Court and the power of appointment of other Presidency Magistrates shall, on the issue of public notification under article 237 of the Constitution, be exercised subject to the terms of the said notification.*]

19. Any two or more of such persons may (subject to the rules made by the Chief Presidency Magistrate under the power hereinafter conferred) sit together as a Bench. **Benches.**

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[1] Section 17B was inserted by Bom. 23 of 1951, s. 2 and Schedule Part I.

[2] Substituted by the A. O. 1937 for "L. G.".

[3] Substituted by the A. O. 1950 for "Provincial".

[4] Sub-sections (*3*) and (*4*) were inserted by Act 18 of 1923, s. 3.

[5] Sub-section (*5*) was added by Bom. 23 of 1951, s. 2 and Schedule Part I.

Local limits of jurisdiction.

20. Every Presidency Magistrate shall exercise jurisdiction in all places within the presidency-town for which he is appointed, and within the limits of the port of such town and of any navigable river or channel leading thereto, as such limits are defined under the law for the time being in force for the regulation of ports and port-dues.

Chief Presidency Magistrate.

21. (*1*) Every Chief Presidency Magistrate shall exercise within the local limits of his jurisdiction all the powers conferred on him by this Code or which by any law or rule in force immediately before this Code comes into force are required to be exercised by any Senior or Chief Presidency Magistrate, and may, from time to time, with the previous sanction of the [1][[2][State] Government], make rules consistent with this Code to regulate—

(*a*) the conduct and distribution of business and the practice in the Courts of the Magistrates of the town ;

(*b*) the times and places at which Benches of Magistrates shall sit ;

(*c*) the constitution of such Benches ;

(*d*) the mode of settling differences of opinion which may arise between Magistrates in session ; and

(*e*) any other matter which could be dealt with by a District Magistrate under his general powers of control over the Magistrates subordinate to him.

(*2*) The [1][[2][State] Government] may, for the purposes of this Code, declare what Presidency Magistrates [3][including Additional Chief Presidency Magistrates] are subordinate to the Chief Presidency Magistrate, and may define the extent of their subordination.

E.—Justices of the Peace.

Justices of the Peace for the mufassal.

[4][**22.** Every [1][[2][State] Government] so far as regards the territories subject to its administration [5]* * *, may, by notification in the Official Gazette, appoint such [6][persons resident within [7][India] and not being the subjects of any foreign State] as it thinks fit to be Justices of the Peace within and for the local area mentioned in such notification.]

23 and **24.** [*Justice of the Peace for the Presidency-towns. Present Justices of the Peace.*] *Rep. by the Criminal Law Amendment Act, 1923 (XII of 1923), s. 4.*

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[1] Substituted by the A. O. 1937 for "L. G.".

[2] Substituted by the A. O. 1950 for "Provincial".

[3] Inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 4.

[4] Substituted by the Devolution Act, 1920 (38 of 1920), s. 2 nd Schedule I, for the original section.

[5] The words and brackets "(other than the presidency-towns)" rep. by the Criminal Law Amendment Act, 1923 (12 of 1923), s. 3.

[6] Substituted by s. 3, *ibid*, for "European British subjects".

[7] The words "British India" have been successively substituted to read as above by the A. O. 1948, A. O. 1950 and Act I of 1951.

Ex-officio Justices of the Peace.

25. In virtue of their respective offices, [1]* * * * * * * * [2][the Judges of the High Courts] are Justices of the Peace within and for [3][the whole of India [4]* * *], Sessions Judges and District Magistrates are Justices of the Peace within and for the whole of the territories administered by the [5][[6][State] Government] under which they are serving, and the Presidency Magistrates are Justices of the Peace within and for the towns of which they are respectively Magistrates.

F.—Suspension and Removal.

26 and **27.** [*Suspension and removal of Judges and Magistrates. Suspension and removal of Justices of the Peace.*] *Rep. by the A. O. 1937.*

CHAPTER III.

POWERS OF COURTS.

A.—Description of offences cognizable by each Court.

Offences under Penal Code.

28. Subject to the other provisions of this Code any offence under the Indian XLV. of 1860. Penal Code may be tried—

(*a*) by the High Court, or

(*b*) by the Court of Session, or

(*c*) by any other Court by which such offence is shown in the eighth column of the second schedule to be triable.

Illustration.

A is committed to the Sessions Court on a charge of culpable homicide. He may be convicted of voluntarily causing hurt, an offence triable by a Magistrate.

Offences under other laws.

29. (*1*) Subject to the [7][other provisions of this Code], any offence under any other law shall, when any Court is mentioned in this behalf in such law, be tried by such Court.

(*2*) When no Court is so mentioned, it may be tried by the High Court or [8][subject as aforesaid] by any Court constituted under this Code by which such offence is shown in the eighth column of the second schedule to be triable.

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[1] The words "the Governor General, Governors, Lieutenant Governors, and Chief Commissioners, the Ordinary Members of the Council of the Governor General, and" rep. by the A. O. 1937.
[2] Substituted for "the Judges of the High Courts and the Recorder of Rangoon" by the Lower Burma Courts Act, 1900 (6 of 1900), s. 47 and Sch. I.
[3] Substituted by the A. O. 1950 for "all the Provinces of India".
[4] The words "except Part B States" were omitted by Act I of 1951, s. 5.
[5] Substituted by the A. O. 1937 for "L. G.".
[6] Substituted by the A. O. 1950 for "Provincial".
[7] Substituted by Act 12 of 1923, s. 5, for "provisions of s. 447".
[8] Inserted by Act 18 of 1923, s. 5.